

Ordinance # 2011-25
Brownsburg, Indiana
October 27, 2011

**AN ORDINANCE AMENDING SECTION 56.06 AND ESTABLISHING SECTION 56.07
OF THE CODE OF ORDINANCES AS RELATED TO
STORMWATER USER FEE CREDITS**

WHEREAS, the Town of Brownsburg, Indiana through the Town Council desires to amend and update its Ordinances relating to Storm Water User Fee Credits.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
BROWNSBURG, INDIANA AS FOLLOWS:**

Section I (A). Title V, Chapter 56, Section 56.06, "Education Credits", will be revised to provide as follows:

(A) Education Credits. Education credits for storm water user fees are available to all public and private schools or school systems that are accredited by the Indiana Department of Education (IDOE). In order for a school or school system to receive an education credit, the school must teach an approved educational program that educates and informs the students on the importance of preserving and restoring the source and integrity of water resources (storm water, ground water and/or surface waters). Programs must be approved by the Indiana Department of Natural Resources (IDNR), the United States Environmental Protection Agency (EPA), IDOE, or the Brownsburg Wastewater Superintendent (or designated representative). The program may be taught in grades Kindergarten (K) through twelve (12). The maximum credit for a school or school system may be fifty percent (50%) of the monthly storm water user fee for the corresponding property or properties and will be proportional to the extent to which the program was taught per grade level. For example: if the program is completed for all grade levels in a particular school or school corporation, a fifty percent (50%) credit will be issued. If half of the grades were taught, a twenty-five percent (25%) credit will be issued. For the first year of the Storm Water Utility, on or before January 1, 2007 the qualifying school shall certify with the Brownsburg Wastewater Superintendent (or designated representative) the programs that were taught in the previous year and the intended extent to which the programs will be taught during the upcoming year. In future years, the certification must occur on or before July 1 annually. A certification letter will be forwarded to the Brownsburg Utilities by the Wastewater Superintendent (or designated representative) so that appropriate billing adjustments may be made.

(B) Public Education Credit. An education credit is also available for qualifying property determined to be eligible by the Town for up to a twenty-five percent (25%) credit for the annual storm water user fees so long as the following conditions are met by the applicable property owner, and such other reasonable conditions that may be adopted by the Town from time to time:

- (1) Education must be given to attendees at all events involving automotive race events (the “Events”) held on the property regarding storm water issues as reasonably requested by the Town, including, but not limited to, posting and distributing storm water quality and pollution prevention materials provided by the Town, conducting a reasonable amount of clean-up litter events after such are held with assistance from the Town as to supplies, disposal, etc., making a reasonable number of promotional announcements at Events with a copy to be provided by the Town and subject to the reasonable approval of the owner of the property, and posting a reasonable amount of educational signage provided by the Town;
- (2) The property must be owned by a not-for-profit organization under applicable laws and must have a minimum capacity to accommodate 25,000 attendees or more at each Event; and
- (3) The property owner must successfully complete any application process required by the Town to demonstrate compliance with this Ordinance.

Section I (B). A new Section 56.07 entitled “Recreational Credits” will be added to the Code of Ordinances to provide as follows:

A recreational credit for up to a seventy-five percent (75%) credit for the annual storm water user fees are available for qualifying property determined to be eligible by the Town so long as the following conditions are met by the applicable property owner and such other reasonable conditions that may be adopted by the Town from time to time:

- (1) The ratio of the pervious vs. impervious surface on the property is maintained at a ratio so that the impervious surface area does not exceed thirty-five percent (35%) of the entire property;
- (2) The primary use of the property must be for recreational type purposes including automotive racing support activities, racing events and camping activities associated therewith;
- (3) The property must be owned by a not-for-profit organization under applicable laws and must have a minimum capacity to accommodate 25,000 attendees or more at each Event; and
- (4) The property owner must successfully complete any application process required by the Town to demonstrate compliance with this Ordinance.

Section II. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance is hereby passed by the Town Council for the Town of Brownsburg, Indiana this _____ day of October, 2011.

Matthew S. Bowles, President

ATTEST:

Jeanette M. Brickler
Clerk-Treasurer